

## **REMARKS**

Applicants respectfully traverse and request reconsideration.

Applicants' attorney wishes to thank the Examiner for the courtesies extended during the telephone conference of May 4, 2004. Applicants have amended several of the independent claims based on the discussion in an effort to address the Examiner's position.

Claims 1-21, and 29-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,397,197 (Gindlesperger) and in further view of Computer Reseller News, ISSN 0893-8377 (CRN '377). The Gindlesperger reference has been cited as allegedly teaching every element of the claim limitation apparently except for providing a vendor certification program comprising a curriculum via the communication network on a fee basis. Moreover, Applicants respectfully note that the other limitations are not present in the Gindlesperger reference because Gindlesperger is not directed to a method for establishing preferred business partners using a vendor certification program.

The Gindlesperger reference is directed to an apparatus and method for obtaining a lowest bid from information product vendors. The system and method utilizes a database of vendor records, each record identifying a vendor, one or more buyers who approve the vendor for receipt of invitations to bid and vendor capability data representing production and economic capabilities of the vendor. A buyer's invitation for bid data is received and an invitation to bid on that product or service and data identifying a vendor requirements is calculated. A vendor's invitation to bid is then sent to vendors from among those approved by the buyer associated with the buyer's invitation for bid.

As such, the buyer approves who the suitable vendors can be. In addition, the vendor capability that is referred to in the reference refers to information that the vendor fills out that represents its own production and the economic capabilities of the vendor. There is no teaching or contemplation of a vendor certification operation nor a vendor certification curriculum that is offered by a fee. The vendor capability data of Gindlesperger cannot correspond to, the claimed vendor certification data since the certification data as claimed must be generated upon completion of vendor certification curriculum. In Applicants' invention a third party or other source, other than a vendor for example, offers a curriculum for a vendor to take and then determines whether or not a vendor has suitably completed a particular course or courses. Certification is provided indicating that the vendor has completed certification. Gindlesperger teaches an opposite approach wherein the vendor sets forth its own capabilities there is no receiving of a notification of successful program completion nor granting certified vendor status as alleged in the office action.

For example, claim 1 requires, among other things, receiving a notification that a vendor has successfully completed the vendor certification program. Applicants respectfully request by column and line number a showing of where this is taught in Gindlesperger if the rejection is maintained. For example, it appears that Gindlesperger is silent as to this and other steps. The Gindlesperger reference does not indicate that a notification that a vendor has successfully completed a certification program that includes a curriculum is even contemplated. To the contrary, Gindlesperger teaches capability data that appears to be entered by the vendor. Moreover, this is not based on any completion of any vendor certification program that includes a curriculum as required.

As such, the claim is in condition for allowance. In addition, there does not appear to be any granting of certified vendor status upon the vendor indicated in the notification nor any confirms of preferential consideration by an entity that, for example, may go online and see which vendors have completed the vendor certification program. (See for example claim 4). Accordingly, the claims are in condition for allowance.

The office action cites the Computer Reseller News as allegedly teaching that is known in the art to provide a vendor certification program via a communication network on a fee basis. It is also admitted that this reference does not teach about a curriculum associated with the certification program but is alleged that a certification program would have curriculum associated with it. As such, the claims are alleged to be obvious in view of this teaching. Applicants respectfully submit that the claims are allowable for the reasons set forth above. Moreover, Applicants respectfully submit that the references are not properly combinable. For example, there is no motivation, other than Applicants' own specification for combining the cited references. For example, Gindlesperger does not appear to be directed to any type of a system that contemplates a vendor certification program and to the contrary, appears to teach away from such an operation since the vendor is allowed to submit its own capability data. Moreover, the capability data has nothing to do with any vendor certification curriculum. In fact, the Gindlesperger reference teaches that no certification by any third party is required nor even needed. Moreover, the problems addressed by Gindlesperger and Applicants appear to be unrelated in that Applicants are seeking to provide a vendor certification program by providing a curriculum and also providing notification that the curriculum was suitably completed. Gindlesperger does not contemplate any such certification of a vendor and as

such also appears to be directed to a completely different problem namely sending invitations to bid for qualified vendors. Accordingly, the claims are believed to be in condition for allowance.

Also, as for claims 1, 2, 9, 16, 18 and 29, the office action states that there is “non-functional descriptive material and is not functionally involved in the steps recited.” and apparently as such is not giving any patentable meaning. Applicants’ attorney discussed this with the Examiner and noted that this rejection was not previously raised in any of the other office actions but apparently has been raised due to the preamble. Accordingly, Applicants have amended, for example, claim 1 and other independent claims to clarify the claim language. Accordingly, this rejection indicating there is subject matter which is not given any patentable weight is again traversed. If such a rejection is maintained, Applicants respectfully request identification specifically as to which language in the claim is allegedly “non-functional descriptive material” and allegedly does not provide any patentable weight.

As for claim 4, the references appear silent as to having a vendor list accessible to other entities that seek certified vendors.

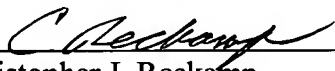
Claims 22-28 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over CRN '377 and Gindlesperger. Claims 22-28 and 34 are also believed to allowable for the reasons as set forth above. The CRN '377 has been cited as teaching all the limitations of these claims except for entitling the vendor to preferential consideration during acquisition decisions by the entity. Gindlesperger has allegedly been cited for this proposition. The references are not properly combinable as noted above. In addition, it does not appear that the references teach, among other things, in

combination a financial transaction component in combination with a delivery component as claimed. In addition, it does not appear that the references appear to teach vendor certification process as claimed. Accordingly, these claims are also believed to be in condition for allowance.

Applicants respectfully submits that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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